

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELECTRONICALLY FILED
DOC #: <u>07-CV-8065 (LTS)(GWG)</u>
DATE FILED: <u>8/28/08</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

E*TRADE SAVINGS BANK; and
E* TRADE MORTGAGE CORPORATION,

Plaintiffs,

-against-

NATIONAL SETTLEMENT AGENCY, INC.; FAST
TRACK TITLE AGENCY LLC; STEVEN M. LEFF;
RACHEL M. LEFF; AND RICHARD A. LEFF,

Defendants.

**REVISED PRE-TRIAL
SCHEDULING ORDER**

The Scheduling Order is hereby revised as follows:

2. Discovery

- a. All non-expert discovery witness discovery in this matter shall be completed by **October 3, 2008**.
- b. Plaintiff shall make expert witness disclosures described in Rule 26(a)(2) of the Federal Rules of Civil Procedure no later than **45 days before the date set forth in paragraph 2.c. below**. Defendant(s) shall make such disclosures no later than **20 days before the date set forth in paragraph 2.c. below**. Such disclosures shall be made in writing, signed and served, but shall not be filed with the Court.
- c. All expert witness discovery shall be completed by **October 3, 2008**.

3. Dispositive Pre-Trial Motions

Dispositive motions, if any, seeking resolution, in whole or in part, of the issues to be raised at trial shall be served and filed on or before **November 30, 2008**. All other parts of paragraph 3 of the Pre-Trial Scheduling Order dated December 3, 2007 remain unchanged.

4. Other Pre-Trial Motions

Other motions, including but not limited to motions in limine relating to evidentiary issues, must be filed and served no later than thirty (30) days before **the date set forth in paragraph 9 below**, unless otherwise allowed by the Court for good cause shown.

5. Preliminary Conference

Counsel for the parties shall confer preliminarily at least forty-five (45) days before the date set forth in paragraph 9 below. All other parts of paragraph 5 of the Pre-Trial Scheduling Order dated December 3, 2007 remain unchanged.

6. Joint Pre-Trial Statement

Counsel for all parties shall confer and shall prepare, execute and file with the Court, with one courtesy copy provided to chambers of the Hon. Laura T. Swain, no later than ten (10) days before the date set forth in paragraph 9 below, a single document captioned JOINT PRE-TRIAL STATEMENT. All other parts of paragraph 6 of the Pre-Trial Scheduling Order dated December 3, 2007 remain unchanged.

7. Proposed Voir Dire, Requests to Charge and Verdict Form

Paragraph 7 of the Pre-Trial Scheduling Order dated December 3, 2007 remains unchanged except that the deadline for service/filing of the proposed voir dire, joint requests to charge and verdict form shall be no later than five (5) business days before the Final Pre-Trial Conference date set forth in paragraph 9 below.

8. Proposed Findings of Fact and Conclusions of Law

Paragraph 8 of the Pre-Trial Scheduling Order dated December 3, 2007 remains unchanged except that the deadline for service of the proposed findings of fact and conclusions of law shall be served/filed no later than five (5) business days before the Final Pre-Trial Conference date set forth in paragraph 9 below.

9. Interim Pre-Trial Conference.

Adjourned sine die.

10. Final Pre-Trial Conference

The parties are directed to appear before the Hon. Laura T. Swain in Courtroom No. 17C, 500 Pearl Street, New York, 10007, for a final pretrial conference on March 20, 2009 at 11 a.m. All other parts of paragraph 9 of the Pre-Trial Scheduling Order dated December 3, 2007 remain unchanged.

Dated: August 28, 2008
New York, New York

SO ORDERED


Gabriel W. Gorenstein
United States Magistrate Judge